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April 4, 2012

VIA ELECTRONIC AND FIRST CLASS MAIL

Jeff S. Jordan, Esq.
Supervisory Attorney
Complaints Examination & Legal Administration
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Re: **MUR 6511**

Dear Mr. Jordan:

We are writing on behalf of our clients, Congressman Rob Andrews and Maureen Doherty, Treasurer of Rob Andrews U.S. House Committee, (collectively referred to as the "Respondents") in response to the additional information relating to the Complaint filed in the above-referenced matter by the Citizens for Responsibility and Ethics in Washington ("the Complainant"). Although the additional information merely rehashes claims made in the Complainant's original filing – claims that we rebutted fully in our January 13, 2012 response – it also presents patently erroneous factual information to the Committee.

The Complainant's allegation that Rep. Andrews "spent over \$11,000 for two trips to Los Angeles" is completely false and inaccurate. Without asking Respondents for any information, CREW attempts to rely on Rep. Andrews's U.S. House Committee Year-End Report for 2011 and press statements (for which CREW evidently supplied the erroneous factual support). However, as Rep. Andrews explained to the news inquiries, there was "one" trip, not two and the \$11,000 figure is completely inaccurate because the Report does not reveal that several of the ticket purchases were canceled airplane tickets as a result of congressional obligations that prevented him from taking the originally scheduled flights. Specifically, the Continental-United charge of \$2,449.40 (two payments of \$1,224.70) was refunded to the campaign. Also, US Airways AHMBOK was cancelled and replaced with a new US Airways reservation with the same record locator. As such, the total incurred cost was not the inflated \$7,000. As

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a result, the actual amount spent on the two trips to California is significantly less than the reported \$11,000.¹

More generally, as with the original specious CREW claims, these additional allegations regarding Rep Andrews's November 2011 campaign-related trip to California fail to demonstrate any violation of federal statutes or regulations. Contrary to CREW's baseless allegation, all California trips were for campaign purposes and not "for the purpose" of furthering Rep. Andrews's "minor" daughter's career. As with all campaign expenditures, any personal expenses on a campaign trip have been fully paid for by Rep. Andrews, using his personal funds. Rep. Andrews raises a significant amount of money in California and the purpose of each trip to the state, including the November trip, was to pursue campaign activities, including fundraisers, speeches, and donor prospecting meetings.

CREW has chosen—evidently for the first time—to attack a child who is absolutely not a public figure. The inclusion of such malicious and irrelevant material completely subverts the honorable and distinguished tradition of the FEC's careful application of the law.

When Rep. Andrews's minor daughter travels with him and attends California campaign events and often acts in place of a campaign aide at the events, even though the FEC Advisory Opinions do not require an accompanying minor child to participate actively in the political events. In such a circumstance, travel costs attributed to a member's minor child are clearly payable by the campaign committee. See FEC AO 1995-20 ("travel by children accompanying their parents [for campaign purposes] would not constitute the personal use of campaign funds provided that the parents are traveling for campaign purposes, and the children are minors"). Accord, FEC AO 1999-34 (authorizing campaign funds to be used for travel, related meals and lodging expenses of family attending a trip related to political receptions and fundraising events); FEC AO 2005-09 ("the Committee may use campaign funds to pay for the travel expenses of [the Member's] minor children to accompany the [Member] when the purpose of the travel is to attend or participate in events officially connected to the [the Member]"). Since the expenditures are for travel in connection with Rep. Andrews's campaign, the charges were properly incurred by the campaign committee and fully disclosed on the FEC reports.

¹ CREW also misrepresents that Rep. Andrews used "limousines." Rep. Andrews used a regular sedan car service when he traveled to California, not a limousine.

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Indeed, as we stated in our January 13 response:

Rep. Andrews raises a significant amount of money in California and his schedule includes fundraisers and prospecting meetings there. For example, the Committee's July 15, 2011 FEC report lists over 30 donors located in the state. His daughter, who is a minor, attends the California campaign events with him and often acts in place of a campaign aide at the events. In such a circumstance, travel costs attributed to a member's minor child are payable by the campaign committee. See FEC AO 1995-20 ("travel by children accompanying their parents [for campaign purposes] would not constitute the personal use of campaign funds provided that the parents are traveling for campaign purposes, and the children are minors").

Just as all other fully disclosed, politically-related trips, the November 2011 trip was for campaign-related purposes. After several flight changes due to voting schedule revisions, Rep. Andrews travelled from Philadelphia to Los Angeles on Wednesday, November 09, 2011 because he had a fundraiser with a PAC and educational group/ tour of an educational facility/ meeting on Thursday, November 10, that started in the morning and carried over to the afternoon. On Friday, November 11, Rep. Andrews had breakfast with a former political consultant; a political interview on a national television network, and a prospecting dinner with members of the entertainment industry. On Saturday morning, November 12, Rep. Andrews had a relationship luncheon with a pro-Israeli advisor (who has raised in excess of six figures for Rep. Andrews's reelection Committee over the past several years). Rep. Andrews flew back to Philadelphia on Sunday, November 13. The primary purpose of this trip was for campaign purposes, not personal, and there is no expense on the FEC report that was not related to the politically-related trip. As with every other FEC reported expenditure, when travelling, Rep. Andrews pays for all personal activities with his own private funds.

Accordingly, the additional information does not allege any facts constituting a violation of federal campaign finance law on the part of Respondents. Pursuant to 11 C.F.R. § 111.4(d), Respondents respectfully request that the commission immediately

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dismiss the Complaint and take no further action.

Sincerely,

A handwritten signature in black ink, appearing to be a combination of the initials 'ADH' and a stylized flourish.

Stanley M. Brand
Andrew D. Herman

Counsel to Congressman Rob Andrews and
Maureen Doherty, Treasurer of Rob Andrews
U.S. House Committee

ADH:mob

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